



FOREST PRESERVE DISTRICT OF KANE COUNTY

COMMISSION MINUTES

I. Call to Order

The Forest Preserve District Commission meeting was held Tuesday, August 10, 2021 at 9:00 AM at Kane County Government Center, 719 S. Batavia Ave., Bldg. A, Geneva, IL 60134. The meeting was opened by President Chris Kious at 9:00 AM. Remote=*

II. Pledge of Allegiance

President Kious asked Volunteer Coordinator Robb Cleave to lead the pledge.

III. Roll Call

	Status:
Commissioner Dale Berman	Present
Commissioner David Brown	Present
Commissioner Ron Ford	Present
Commissioner Drew Frasz	Present
Commissioner Michael Kenyon	Present
President Chris Kious	Present
Commissioner Bill Lenert	Present
Commissioner Anita Lewis	Present
Commissioner John Martin	Present
Commissioner Cheryl Strathmann	Present
Commissioner Clifford Surges	Present
Commissioner Vern Tepe	Present
Commissioner Barbara Wojnicki	Present
Commissioner Mavis Bates	Present*
Commissioner Mark Davoust	Present*
Commissioner Michelle Gumz	Remote*
Commissioner Mo Iqbal	Present*
Commissioner Myrna Molina	Present*
Commissioner Jarett Sanchez	Present*
Commissioner Monica Silva	Present*
Commissioner Deborah Allan	Present (In person @ 9:41 a.m.)
Commissioner Kenneth Shepro	Present (In person @ 9:03 a.m.)
Board Member Todd Wallace	Present (In person @ 9:02 a.m.)
Commissioner Tom Koppie	Absent

Others Present:

Exec. Dir. Meyers; CFO Stanish; HR Dir. Yee* & Volunteer Coordinator Cleave; NRM Dir. Haberthur*; Comm. Affairs Dir. Metanchuk* & staff Kovach; Chief of Planning Anderson Jr.; Dir. Of Ops Goreth; Chief of Police Burger; Attorney Hodge; KCIT Peters and members of the public.

IV. Public Comment (Each Speaker is limited to 3 minutes)

John Sargent, Resident of Aurora, Kane County addressed a non-agenda item, the quality of the grass area of the Radio Control Flying Field in Aurora West. Sargent requested additional assistance to maintain the field, the Treasurer of the RC Club currently maintains the field per their agreement, however it has become too costly. *(Commissioner Wallace arrived @ 9:02 a.m.)*

V. Presentation and Approval of the Minutes of July 13, 2021

(Commissioners Sanchez and Iqbal arrived via remote @ 9:03 a.m.)

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Dale Berman, Commissioner
SECONDER:	Michelle Gumz, Commissioner
AYES:	Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT:	Deborah Allan, Tom Koppie, Kenneth C. Shepro

VI. Presentation and Approval of the Bills and Commissioners' Per Diem for July 2021

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Drew Frasz, Commissioner
SECONDER:	Barbara Wojnicki, Commissioner
AYES:	Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT:	Deborah Allan, Tom Koppie, Kenneth C. Shepro

VII. Land Acquisition

A. FP-R-21-08-2884 Resolution Approving an Intergovernmental Easement Agreement with the Elburn and Countryside Fire Protection District

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Drew Frasz, Commissioner
SECONDER:	Michael Kenyon, Commissioner
AYES:	Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT:	Deborah Allan, Tom Koppie, Kenneth C. Shepro

There was a change in the agenda order as follows, Resolution FP-R-21-08-2885 was resented and moved after Closed Session

VIII. Agreements

A. FP-R-21-08-2885 Resolution Authorizing Limited Release of Licensees under Force Majeure Provisions in License Agreements

DISCUSSION: None.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Drew Frasz, Commissioner
SECONDER:	Kenneth C. Shepro, Commissioner
AYES:	Deborah Allan, Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Michael Kenyon, Chris Kious, Tom Koppie, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
PRESENT:	Mo Iqbal

IX. Finance

A. FP-R-21-08-2886 Resolution Approving a Budget Amendment for the Settler's Hill Golf Course Renovation Project

Exec. Dir. Meyers presented and discussed the request for a budget adjustment for the Settler's Hill club house and course configuration change. Meyers noted that the anticipated \$300,000 for the remaining funds following the construction of the Cross County Course could be earmarked for a portion of the additional expenses for this project. This adjustment to the project will require engineering, site grading, utilities, construction of a new parking lot and improvements to the existing roadway. Meyers indicated that the trailers will be paid through contingencies through the General Fund for this fiscal year and added to the budget next fiscal year.

DISCUSSION: *Commissioner Wojnicki promoted the Open House of the Cross Country Course on Saturday, August 21, 2021 and the Ribbon Cutting August 28th.*

Commissioner Bates asked about the trailer rent expense and if the revenues generated from the food and beverage help cover these costs? Meyers responded that the contract includes a base license fee and then a percentage fee over a gross threshold amount for additional revenues once that threshold is exceeded.

RESULT:	ADOPTED BY ROLL CALL VOTE [20 TO 0]
MOVER:	Dale Berman, Commissioner
SECONDER:	Ron Ford, Commissioner
AYES:	Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSTAIN:	Mavis Bates
ABSENT:	Deborah Allan, Tom Koppie, Kenneth C. Shepro

X. Bid and Proposals

A. FP-R-21-08-2887 Resolution Approving Bid for the Settler's Hill Golf Course Grow In

Last fall, Wadsworth Golf Construction Company (Wadsworth Golf), started construction of the Settler's Golf Course Improvements Project. The project is on schedule and moving forward to the next stage of grow-in. The Forest Preserve District sent out a request for bids to complete the grow-in services related to Settler's Hill Golf Course. The grow-in includes mowing of greens, tees, fairways and rough; fertilization, bunker maintenance, irrigation, rolling greens, disease control, aeration, turf repair, erosion-control measures, topdressing, and selective tree clearing. Three bidders responded with the qualified, lowest bidder being GolfVisions. The contract with GolfVisions shall run until July 1, 2022, or until a management company has been selected to run the Settler's Hill Golf Course.

Funds totaling \$4,700,000 were budgeted in fiscal years 2017/18 and 2018/19 for the Settler's Hill Golf Course Improvement Project. On March 10, 2020, the Commission approved the transfer of funds from FY 2019/20 project "Capital Projects as Determined by the Commission" in the amount of \$2,106,000 to the Settler's Hill Golf Course Improvement Project. Major funding of this project is being provided by Kane County's Settler's Hill Landfill Fund.

In addition, the District is elated to have secured a grant from the Wadsworth Golf Charities Foundation for \$250,000. The funding breakout of the Wadsworth Golf Charities Foundation grant is as follows: practice range: \$75,000; youth-practice area: \$125,000; and golf course improvements: \$50,000. Wadsworth Golf has completed nearly 80% of the job, and is within budget. To fund the grow-in portion of the project, District staff is requesting Wadsworth's contingency funds be reduced by \$100,000 and reallocated for the grow-in. With the fund reallocation, funds totaling \$439,000 are available for the grow-in portion of the Settler's Hill Golf Course Improvement Project. Sufficient funds for the base amount of \$339,500 and the additional services amount of \$100,000 for a total \$439,500 are available.

DISCUSSION: Commissioner Bates asked about the natural areas at Settler's Hill, if there would be native plants/pollinators and who would maintain this area. Exec. Dir. Meyers responded that the management company would only care for the course area, anything outside of the playable course area is maintained by the District. (Commissioner Shepro arrived @ 9:22 in person)

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	John Martin, Commissioner
SECONDER:	Mark Davoust, Commissioner
AYES:	Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT:	Deborah Allan, Tom Koppie
PRESENT:	Kenneth C. Shepro

B. FP-R-21-08-2888 Resolution Approving a Bid for Common Reed Control for Four (4) Forest Preserves

The non-native, invasive plant Common Reed (*Phragmites australis*) is a tall (up to 15') perennial grass that infests many District wetlands. It produces some viable seed on the highly visible plumes it produces in late summer, but primarily propagates through lateral shoots called rhizomes. This vigorously growing plant quickly forms monotypic stands of itself, at the exclusion of native fauna. Its dense growth habit minimizes its utility to native wetland fauna; ducks cannot swim through

mature stands, and its stalks are too weak to support the nests of native wetland songbirds. Contractors were sought to bid on summer/fall 2021 control projects of multiple, separate infestations of Common Reed, across four different preserves. The bid was sent to 31 vendors and publicly advertised, with two responding. The low response rate is attributed to the need for specialized amphibious equipment (i.e. Marshmaster) to make work at this scale cost-effective. (Commissioner Sanchez arrived in person @ 9:24 a.m.)

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Drew Frasz, Commissioner
SECONDER: Barbara Wojnicki, Commissioner
AYES: Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Deborah Allan, Tom Koppie

XI. Policies

A. FP-R-21-08-2889 Resolution Approving the Establishment of the Gift Policy

Exec. Dir. Meyers presented the following Resolutions, these policies are requirements for the Distinguishing Agency Accreditation Award.

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Bill Lenert, Commissioner
SECONDER: Dale Berman, Commissioner
AYES: Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Deborah Allan, Tom Koppie

B. FP-R-21-08-2890 Resolution Approving the Revised Information Security Policy/Credit Card Policy

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Dale Berman, Commissioner
SECONDER: Drew Frasz, Commissioner
AYES: Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Deborah Allan, Tom Koppie

C. FP-R-21-08-2891 Resolution Approving the Revised Fund Balance Policy

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Bill Lenert, Commissioner
SECONDER: John Martin, Commissioner
AYES: Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Deborah Allan, Tom Koppie

D. FP-R-21-08-2892 Resolution Approving the Revised Unclaimed Property Policy

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Dale Berman, Commissioner
SECONDER: Mark Davoust, Commissioner
AYES: Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Deborah Allan, Tom Koppie

E. FP-R-21-08-2893 Resolution Approving the Revised Capital Assets Policy

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Drew Frasz, Commissioner
SECONDER: Kenneth C. Shepro, Commissioner
AYES: Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Deborah Allan, Tom Koppie

F. FP-R-21-08-2894 Resolution Approving the Establishment of the Environmental Action Plan Policy

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Dale Berman, Commissioner
SECONDER: Mavis Bates, Commissioner
AYES: Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Deborah Allan, Tom Koppie

G. FP-R-21-08-2895 Resolution Approving the Establishment of a Diversity, Equity & Inclusion Policy

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Barbara Wojnicki, Commissioner
SECONDER: Dale Berman, Commissioner
AYES: Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Deborah Allan, Tom Koppie

H. FP-R-21-08-2896 Resolution Approving the Establishment of the Environmental Education Policy

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Barbara Wojnicki, Commissioner
SECONDER: Cherryl Strathmann, Commissioner
AYES: Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Deborah Allan, Tom Koppie

I. FP-R-21-08-2897 Resolution Approving the Establishment of the Behavior Management Policy

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Bill Lenert, Commissioner
SECONDER: Drew Frasz, Commissioner
AYES: Deborah Allan, Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Tom Koppie

J. FP-R-21-08-2898 Resolution Approving the Establishment of the Seizure Management Policy

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Barbara Wojnicki, Commissioner
SECONDER: Michael Kenyon, Commissioner
AYES: Deborah Allan, Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Tom Koppie

K. FP-R-21-08-2899 Resolution Approving the Revised Employee Handbook

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Deborah Allan, Commissioner
SECONDER: Drew Frasz, Commissioner
AYES: Deborah Allan, Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Tom Koppie

L. FP-R-21-08-2900 Resolution Approving the Establishment of a Comprehensive Board of Commissioners' Policies Manual

DISCUSSION: None.

RESULT: ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER: Kenneth C. Shepro, Commissioner
SECONDER: Dale Berman, Commissioner
AYES: Deborah Allan, Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Tom Koppie

XII. Closed Session to Discuss Land Acquisition, Contracts, Litigation, and Personnel

The Committee moved into Executive Closed Session @ 9:45 a.m. to discuss Potential Litigation matters with Licensees

RESULT: ROLL CALL VOTE [UNANIMOUS]
MOVER: Dale Berman, Commissioner
SECONDER: Cheryl Strathmann, Commissioner
AYES: Ron Ford, Dale Berman, Michelle Gumz, Mavis Bates, David Brown, Cheryl Strathmann, Vern Tepe, Deborah Allan, Mark Davoust, Drew Frasz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, John Martin, Myrna Molina, Jarett Sanchez, Monica Silva, Todd Wallace, Barbara Wojnicki
NAYS: Kenneth C. Shepro
ABSENT: Tom Koppie

The Committee returned to Open Session @ 10:12 a.m. on a motion by Martin, second by Lenert, Roll Call Vote was taken, unanimous vote.

XIII. Communications

None.

XIV. President's Comments

President Kious celebrated the District has gained over 23,000 acres of land.

XV. Department Reports for July 2021

RESULT: PLACED ON FILE BY UNANIMOUS CONSET
MOVER: Kenneth C. Shepro, Commissioner
SECONDER: Drew Frasz, Commissioner
AYES: Deborah Allan, Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT: Tom Koppie

XVI. Adjournment

The meeting adjourned at 10:22 a.m.


RESULT:	ADJOURNED BY VOICE VOTE [UNANIMOUS]
MOVER:	Michael Kenyon, Commissioner
SECONDER:	Mark Davoust, Commissioner
AYES:	Deborah Allan, Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT:	Tom Koppie

Chris Kious, Chairman
Forest Preserve District Commission
Forest Preserve District of Kane County

Respectfully Submitted,

Gabriella Figliozi

Gabriella Figliozi
Recording Secretary



Myrna Molina
Board Secretary



FOREST PRESERVE DISTRICT OF KANE COUNTY

COMMISSION AUGUST 10, 2021 CLOSED SESSION MINUTES

The Forest Preserve District Commission meeting was held Tuesday, August 10, 2021 at 9:00 AM via video conference and at the Kane County Government Center, 719 Batavia Ave., Bldg. A, Geneva, Illinois. The meeting was opened by President Chris Kious at 9:00 AM. The Closed Session portion of the meeting was opened at 9:58 AM, a roll call vote was taken. Remote=*

OTHERS PRESENT:

Exec. Dir. Meyers; CFO Stanish; Dir. of Community Affairs Metanchuk, staff Kovach*; Attorneys Kinnally, Hodge*; Recording Secretary Figliozzi; Chief of Planning Anderson Jr.*, Public Safety Dir. and Chief of Police Gilloffo*; KCIT Peters.

Commissioner Shepro questioned the validity of going into Closed Session. Exec. Dir. Meyers explained that the discussion involves licensees and their agreement with the Forest Preserve District. Attorney Hodge noted that this is a potential litigation concern and should be kept confidential.

RESULT:	ENTER INTO CLOSED SESSION TO DISCUSS CONTRACTS and LITIGATION AT 9:45 AM. ROLL CALL VOTE [UNANIMOUS]
MOVER:	Dale Berman, Commissioner
SECONDER:	Cherryl Strathmann, Commissioner
AYES:	Deborah Allan, Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
NAYS:	Kenneth C. Shepro
ABSENT:	Tom Koppie

DISCUSSION: *Contracts and Litigation*

Exec. Dir. Meyers reported that the purpose of the closed session is to discuss the two management companies that are in default, the Ice Arena and the Cougars. The reasons stated for default was due to the Covid-19 shut down. Both firms are stating the Force Majeure clause in the contract.

The owner of the Cougars, Dr. Bob provided a 14 page letter stating the reasons for being in default. Major points were addressed, a main change to the Cougars, impacting their revenue and expenses, was the loss of their affiliation just prior to the pandemic. In 2020, they lost the full season due to the pandemic shut down.

The projected loss for 2021 is \$1.5M, in addition to the 2020 season loss. The Cougars request with the Force Majeure clause, is to waive all three years and add it to the back end of the contract. The consistent recommendation brought forth from the Finance and Administration Committee and Executive Committee, was to waive the 2020 fees due to the Covid shut down and Force Majeure clause.

Attorney Hodge requested and reminded the Full Commission of the confidentiality of the information presented and the sensitively to the District's Bond rating with these revenues being carried on the books.

Commissioner Wallace asked about the loss of affiliation noting that loss of revenues and changes in expenses were not related to the pandemic as that happened after the change in affiliation. Commissioner Gumz confirmed that the loss of affiliation was prior to the pandemic shut down, she noted however that the opportunity to recover was eliminated with the mandatory shut down.

Commissioner Frasz stated that this item was discussed in length in both Finance/Administration and Executive Committees, the recommendation brought forth for approval was to waive the 2020 license fees only. Commissioner Bates asked about the opportunity to add the fees at the end of the contract term. Commissioner Martin responded that unfortunately with Dr. Froehlich's record with the District, he did not feel confident in collecting funds. He noted that the 2020 games were not played, therefore the Committee knows that we would not be collecting those funds.

Commissioner Shepro felt that the conversation was not a recognized Closed Session reason under the Open Meetings Act. He felt this needed to be clarified and amended to state the appropriate action.

Attorney Hodge responded that the confidentiality of the information being discussed pertained to their licensees and that potential litigation was part of the discussion, that merits Closed Session. Hodge stated that a vote could be taken in Open Session to amend the record to state the confidentiality of licensees as the purpose.

President Kious called for consensus for the relief of the 2020 license fees for the Cougars and the Ice Arena due to the Force Majeure clause. There was consensus among the Commission.

Commissioner Wallace questioned the PPE funds received and if the Cougar's intension was to earmark for rent. Commissioner Davoust responded that the position the District is taking is relative to protect the bond rating, getting this off the books. (Commissioner Sanchez steps away @ 10:11 a.m.)

The Committee returned to Open Session at 10:12 a.m. on a motion by Martin, second by Lenert. Roll Call Vote was taken, unanimous vote.

RESULT:	RETURN TO OPEN SESSION AT 10:10 AM. VOICE VOTE [UNANIMOUS]
MOVER:	John Martin, Commissioner
SECONDER:	Bill Lenert, Commissioner
AYES:	Deborah Allan, Mavis Bates, Dale Berman, David Brown, Mark Davoust, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Kenneth C. Shepro, Monica Silva, Cheryl Strathmann, Clifford Surges, Vern Tepe, Barbara Wojnicki, Todd Wallace
ABSENT:	Tom Koppie

Respectfully Submitted,

Gabriella Figliozzi

Gabriella Figliozzi
Recording Secretary